

## **REMARKS**

Claims 1-8, 12-13, 17, 19-26, 30-31, 35-42, and 46-47 are pending in the present application. By this Response, claims 1, 17, 19, and 35 are amended. Claims 1, 17, 19, and 35 are amended to recite “wherein each element in the set of elements has a relative order to another element in the set of elements, and wherein the relative order is preserved.” These features are supported at least on page 10, lines 23-25, page 19, lines 17-18, and in **Figures 3A and 3B** of the current specification. No new matter is added as a result of the above amendments. Reconsideration of the above amendments to claims in view of the following remarks is respectfully requested.

### **I. Telephone Interview Summary**

A telephone interview was conducted on June 29, 2005 with Examiner Nguyen with regard to features of independent claim 1. Applicant’s representative submitted that EAST fails to teach wherein each element in the set of elements has a relative order to another element in the set of elements, and wherein the relative order is preserved. The Examiner indicated that the proposed amendments made to independent claim 1 potentially overcome the EAST reference, but further search and consideration is required before an agreement can be reached with the Applicant’s representative.

### **II. 35 U.S.C. §102(b), Alleged Anticipation, Claims 1-8, 12-13, 17, 19-26, 30-31, 35-42, and 46-47**

The Final Office Action rejects claims 1-8, 12-13, 17, 19-26, 30-31, 35-42 and 46-47 under 35 U.S.C. § 102(b) as being allegedly anticipated by Examiner Automated Search Tool, hereafter “EAST” (Copyright ©1999, Version 2.0.1, pages 1-8). This rejection is respectfully traversed.

Regarding independent claim 1, 17, 19, and 35, the Final Office Action states:

As per claims 1, 17, 19 and 35 EAST teaches a computer implemented method and corresponding system for ordering elements included within a listed comprising the steps/means: presenting the set of elements in a list format in a first order in a graphical user (set of elements in the bottom pan of FIGURE 2);

receiving a first user input selecting a set of the element from the list (selecting items 2 and 5 of FIGURE 3 or selecting items 3, 4 and 5 of FIGURE 6, for example);

responsive to detecting the first user input, monitoring for a second user input, indicating a movement of the set of elements within the list; and responsive to detecting the second user input (double-clicking on the column "1"), automatically reordering the elements in the list including:

when the set of elements are contiguous elements, automatically reordering the elements in the list by moving, within the list, the set of elements together as one unit as if said set were a single list element to create a modified list of elements in a second order, said set of elements appearing to a user as having been moved simultaneously (e.g. FIGURES 7 and 8); and

when the set of elements are non-contiguous element, automatically reordering the elements in the list by moving, within the list, the set of elements as one unit, said set of elements appearing to a user as having been moved simultaneously (e.g. FIGURES 4 and 5).

Final Office Action dated April 19, 2005, pages 2-3.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 21 U.S.P.Q.2d 1031, 1034 (Fed Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicant respectfully submits that EAST does not teach every element of the claimed invention arranged as they are in claims 1, 17, 19, and 35 of the present invention.

Amended independent claim 1, which is representative of amended claims 17, 19 and 35 with regard to similarly recited subject matter, now recites:

1. A method in a data processing system for ordering elements included within a list, the method comprising:
  - presenting the elements in a list format in a first order in a graphical user interface;
  - receiving a first user input selecting a set of the elements from the list;

responsive to detecting the first user input, monitoring for a second user input, indicating a movement of the set of elements within the list; and

responsive to detecting the second user input, automatically reordering the elements in the list including:

when the set of elements are contiguous elements, automatically reordering the elements in the list by moving, within the list, the set of elements together as one unit as if said set were a single list element to create a modified list of elements in a second order, said set of elements appearing to a user as having been moved simultaneously; and

when the set of elements are non-contiguous elements, automatically reordering the elements in the list by moving, within the list, the set of elements as one unit, said set of elements appearing to a user as having been moved simultaneously, wherein each element in the set of elements has a relative order to another element in the set of elements, and wherein the relative order is preserved.  
(Emphasis added).

EAST does not teach the features emphasized above. Based on figures 1-8, EAST teaches a user interface that Examiners use to automatically search patents and publications. However, none of the figures in EAST teaches or suggests that when the set of elements are non-contiguous elements, automatically reordering the elements in the list by moving, within the list, the set of elements as one unit, said set of elements appearing to a user as having been moved simultaneously, wherein each element in the set of element has a relative order to another element in the set of elements, and wherein the relative order is preserved. The Final Office Action alleges that EAST teaches these features in **Figures 4 and 5. Figures 3-5** of the reference are illustrated below:

|   |   | Document ID    | Issue Date | Pages | Title   | Current OR | Current CX       | Retrieval | Inventor                        | S | C | P | R |
|---|---|----------------|------------|-------|---|------------|------------------|-----------|---------------------------------|---|---|---|---|
| 1 | r | US 20040039661 | 20040226   | 19    | List-based selection system and methods for     | 705/27     |                  |           | Fuzell-Casoy, Jacquelin et al.  | y | r | r | r |
| 2 | r | US 20020194195 | 20021219   | 34    | Method and apparatus for transferring data      | 707/104.1  |                  |           | Weinberg, Paul M. et al.        | y | r | r | r |
| 3 | r | US 20040220831 | 20041104   | 41    | Method and system for facilitating medical data | 705/2      | 707/104.1        |           | Fabricant, Christopher J.       | y | r | r | r |
| 4 | r | US 20030110164 | 20030612   | 12    | Life of call utility                            | 707/3      |                  |           | Kappell, Charles G. III et al.  | y | r | r | r |
| 5 | r | US 20020184670 | 20021205   | 153   | System and method for building multi-modal and  | 717/109    |                  |           | Chong, Kelvin et al.            | y | r | r | r |
| 6 | r | US 6147673     | 20001114   | 14    | Graphical selection marker and method for a     | 715/706    | 715/973          |           | Martinez, Anthony Edward et al. | y | r | r | r |
| 7 | r | US 4772002     | 19890920   | 14    | Cursor controller user interface system         | 715/023    | 715/008, 715/843 |           | Mical, Robert J.                | y | r | r | r |

### FIGURE 3

[illegible]

### FIGURE 4

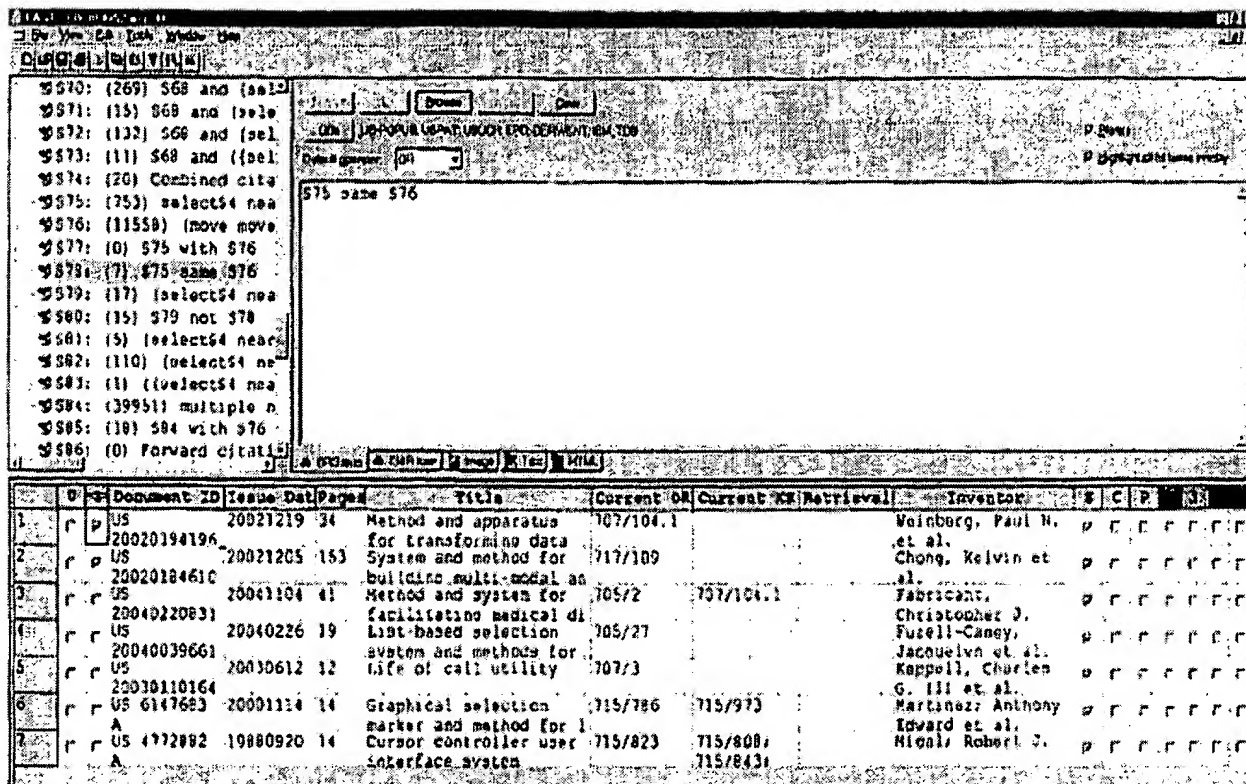
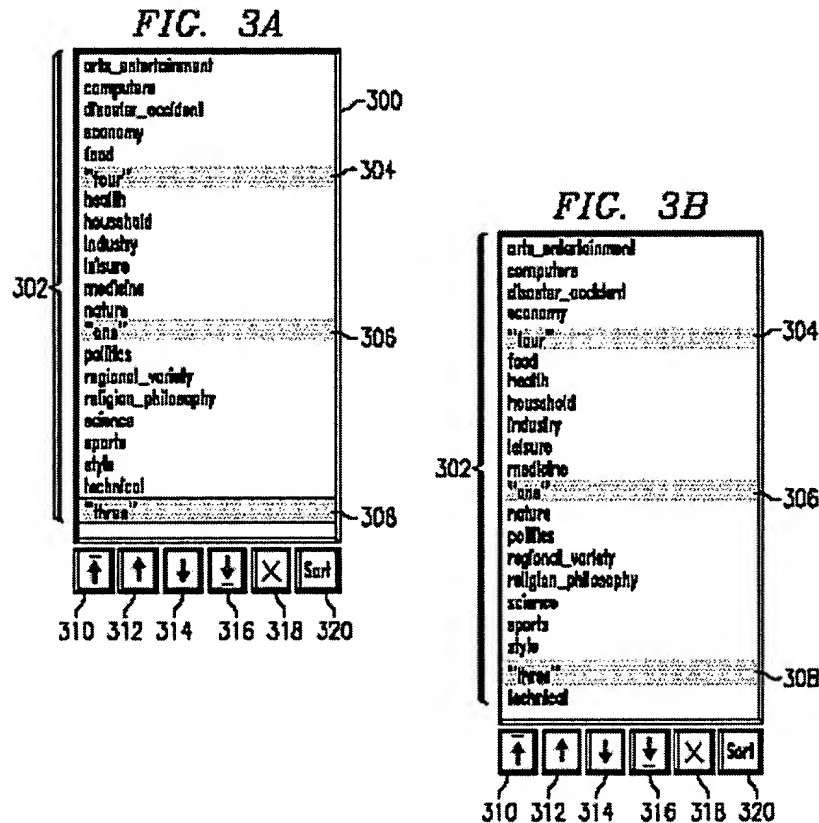


FIGURE 5

As shown in **Figure 3**, two non-contiguous elements are selected: first element with a document ID US20020194196 and a second element with document ID US20020184610. **Figure 4** shows that after reordering, the two elements are moved simultaneously to the bottom of the list. **Figure 5** shows that after reordering, the two elements are moved simultaneously to the top of the list. Thus, in **Figures 3-5**, EAST merely teaches selecting non-contiguous elements and reordering the elements by moving the elements simultaneously either to the bottom or to the top of the list. However, EAST does not teach that one element has a relative order to another element and that the relative order is preserved. To the contrary, EAST does not preserve the relative order between the two elements. As shown in **Figures 4 and 5**, the two elements become contiguous elements after reordering. Thus, the relative order between the two elements are changed from having a relative order of two elements to having a relative order of zero elements.

In addition, EAST's reordering is different from the automatic reordering of the present invention in that the elements in EAST do not maintain a relative order to another element in the list and EAST does not preserve the relative order. **Figures 3A and 3B** of the current specification is shown below:



As shown in **Figure 3A**, three elements are selected: “four” 304, “one” 306, and “three” 308. **Figure 3B** shows that after automatic reordering of these elements, while elements 304-308 are moved up one position, the relative order of the three elements remains the same. EAST does not teach such features. To the contrary, as illustrated above in **Figures 3-5** of EAST, after the two non-contiguous elements are reordered, the elements become contiguous elements. Thus, the relative order of the elements is lost. Therefore, EAST does not teach when the set of elements are non-contiguous elements, automatically reordering the elements in the list by moving, within the list, the set of elements as one unit, said set of elements appearing to a user as having been moved simultaneously, wherein each element in the set of element has a relative order to another

element in the set of elements, and wherein the relative order is preserved, as recited in claims 1, 17, 19, and 35 of the present invention.

In view of the above, Applicant respectfully submits that EAST does not teach each and every feature of claims 1, 17, 19, and 35. At least by virtue of their dependency on claims 1, 17, 19, and 35 respectively, EAST does not teach the features of dependent claims 2-8, 12-13, 20-26, 30-31, 36-42 and 46-47. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1-8, 12-13, 17, 19-26, 30-31, 35-42 and 46-47 under 35 U.S.C. § 102(b).

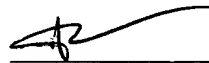
### **III. Conclusion**

It is respectfully urged that the subject application is patentable over the cited reference and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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